

Section ____ Adult-use Cannabis *Cultivation and* Sale and medical Marijuana Dispensary and Production (Effective _____)

1.1. Purpose. The purpose of this section is to regulate the location and operation of medical marijuana dispensary facilities. Cultivation of Cannabis and Medical Marijuana shall be prohibited within the Town of Essex. The intent of these regulations is to minimize any adverse impacts of such facilities, and to protect and preserve Essex's neighborhoods, commercial districts, property values and quality of life.

1.2 Definitions. For use in this section of the Regulations:

- A. "Cannabis" means marijuana, as defined in section 21a-240 of the general statutes;
- B. "Cannabis product" means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.
- C. "Consumer" means an individual who is twenty-one years of age or older.
- D. "Cultivation" has the same meaning as provided in section 21a-408 of the general statutes;
- E. "Cultivator" means a person that is licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space.
- F. "Dispensary facility" means a place of business where medical marijuana may be dispensed or sold at retail to qualifying patients and primary caregivers and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit under CGS Sec. 21a-408 et seq. as they may be amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended;
- G. "Hybrid retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products;
- H. "Micro-cultivator" means a person licensed to engage in the cultivation, growing, and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection;**
- I. "Production facility" means a secure, indoor facility where the production of medical marijuana occurs and is operated by a person to whom the Connecticut Department of Consumer Protection has issued a production facility permit under CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70,**

inclusive, of the Regulations of Connecticut State Agencies as they may be amended.

- J. “Retailer” means a person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufactures and food and beverage manufacturers and to sell cannabis to consumers and research programs.

1.3 Applicability:

A. Medical marijuana dispensary facilities **and production facilities** shall be governed by CGS Sec. 21a-408 et seq. as amended and Sections 21a-408-1 to 21a-408-70, inclusive, of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.

B. Cannabis retail and hybrid-retail facilities shall be governed by The Responsible and Equitable Regulation of Adult-Use Cannabis Act (“RERACA”), the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section 5.2 of these Regulations, site plan approval in accordance with Section 5.3 of these Regulations, and the requirements of this section.

1. Business and Commercial zones for Adult-Use Cannabis Retailer, Hybrid-retailer and Medical Marijuana Dispensary facility only.

C. Adult-use cannabis cultivator and micro-cultivator facilities shall be governed by the ERACA, the Public Act 21-1 / Senate Bill 1201 as amended inclusive of the Regulations of Connecticut State Agencies as they may be amended and permitted only in the following zone, subject to special permit approval in accordance with Section ____ of these Regulations, site plan approval in accordance with Section ____ of these Regulations, and the requirements of this section.

1. Industrial Zone and Limited Industrial Zone for Adult – Use Cannabis Cultivator and Micro-cultivator facilities; and

1.4 Separation Requirements. Uses identified in this section shall be subject to the following separation restrictions:

A. No medical marijuana production, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed within the Town of Essex;

- B. No medical marijuana production facility, or adult-use cannabis cultivator or micro-cultivator facility shall be allowed with the Town of Essex;**
- C. No medical marijuana dispensary facility, or adult use cannabis retailer, hybrid-retailer, shall be allowed within the same building, structure or portion thereof that is used for residential purposes, or that contains another medical marijuana dispensary or adult use cannabis retail, hybrid retail;
- D. No adult-use cannabis retail or hybrid-retail shall be located less than 500 feet from another adult-use cannabis retail or hybrid-retail. Distance shall be measured from the radius of the front door to front door of each establishment.
- E. No cannabis establishment shall be located within 500 feet of the property line of any property containing a school, or within 200 feet of the property line of any property containing a religious institution, charitable institution, hospital, or veterans' home.
- F. All distances contained in this section, other than those specified in the subsection "D" above shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

1.5 Minimum Floor Area Requirements.

- A.

1.6 Sign and exterior display requirements:

A. Exterior signage shall be restricted to a single sign no larger than 16" x 18" containing the legal name of the entity and the street address of the facility.

1.7 Off-Street Parking requirements:

A. Required off-street parking shall be in compliance with Section ___ of these regulations.

1.8 Security Requirements:

- A. All Retailers and medical marijuana dispensary facilities shall have an adequate security system to prevent and detect diversion, theft or loss of marijuana no less than as required by the laws and regulations established by the State of Connecticut;
- B. The hours of operation for medical marijuana dispensary facilities shall be limited to between 7:00 a.m. and 7:00 p.m., all days of the week;
- C. The hours of operation for any Retailer shall be limited to between 10:00 a.m. and 7:00 p.m., all days of the week;

1.9 Conditional Approval:

A. Special Permits shall be approved with the condition that the applicant obtains the appropriate Dispensary license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur);

B. The conditional approval shall become finalized upon the receipt by the Town Zoning Officer of a copy of the Department of Consumer Protection-issued license;

C. The conditional approval shall expire if the applicant fails to provide the Town Zoning Officer with a copy of the Department of Consumer Protection-issued license within six months of the date of the TPZ's conditional approval;

1. A six month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.

D. No entity shall operate without a valid, current license.

1.10 Connecticut Department of Consumer Protection Approval:

A. The applicant shall provide the Town Zoning Officer with a copy of the appropriate Dispensary license issued by the State of Connecticut Department of Consumer Protection, and any subsequent renewed license.